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SENATE BILL 582

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

MARY JANE M GARCIA

FOR THE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO CHILD SUPPORT; PROHIBITING STATE AGENCIES FROM CONTRACTING WITH PERSONS IN ARREARS ON CHILD SUPPORT PAYMENTS; PROHIBITING APPOINTMENTS TO STATE BOARDS, COMMISSIONS OR OTHER APPOINTED POSITIONS; INCREASING THE AMOUNT OF CHILD SUPPORT NOT COUNTED AS INCOME FOR PUBLIC ASSISTANCE; INCREASING CHILD SUPPORT ENFORCEMENT PERSONNEL; MAKING APPROPRIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. NEW MATERIAL PROFESSIONAL SERVICES CONTRACTS-- PROHIBITIONS-- CHILD SUPPORT PAYMENT ARREARAGES. -- A state agency shall not contract for professional services with any person who is more than three months in arrears on child support payments or who has not arranged with the child support enforcement division of the human services department to pay arrearages. Before entering into a professional services

Underscored material = new
[bracketed material] = delete

1 contract, the state agency shall contact the child support
2 enforcement division to determine if the potential contractor is
3 in compliance with a child support order or child support
4 payment schedule of the division.

5 Section 2. [NEW MATERIAL] BOARDS AND COMMISSIONS--
6 APPOINTMENTS--LIMITATIONS. --The governor, the chief justice, the
7 president pro tempore of the senate, the speaker of the house of
8 representatives, the New Mexico legislative council or other
9 appointing authority shall not appoint a person to any state
10 board, commission or other appointed position if the person is
11 more than three months in arrears in child support payments or
12 he has not arranged with the child support division of the human
13 services department to pay arrearages. The appointing authority
14 shall contact the child support division to determine if the
15 potential appointee is in compliance with a child support order
16 or child support payment schedule of the division.

17 Section 3. Section 27-2-3 NMSA 1978 (being Laws 1973,
18 Chapter 376, Section 3, as amended) is amended to read:

19 "27-2-3. STANDARD OF NEED--INCOME DETERMINATION. --

20 A. Consistent with the federal act and subject to
21 the availability of federal and state funds, the ~~[board]~~ income
22 support division of the human services department shall adopt a
23 standard of need, which shall establish a reasonable level of
24 subsistence.

25 B. Consistent with the federal act, the ~~[board]~~

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[bracketed material] = delete

1 income support division shall define by regulation exempt and
2 nonexempt income and resources. Medical expenses shall not be
3 deducted from either income or resources in determining
4 eligibility.

5 C. The first one hundred dollars (\$100) of child
6 support received by the custodial parent pursuant to Section
7 27-2-27 NMSA 1978 shall not be included as income for
8 determining eligibility."

9 Section 4. Section 27-2-27 NMSA 1978 (being Laws 1981,
10 Chapter 90, Section 1, as amended) is amended to read:

11 "27-2-27. SINGLE STATE AGENCY--POWERS AND DUTIES.--

12 A. The department is designated as the single state
13 agency for the enforcement of child and spousal support
14 obligations pursuant to Title IV D of the federal act with the
15 following duties and powers:

16 [~~A-~~] (1) establish the paternity of a child in
17 the case of the child born out of wedlock with respect to whom
18 an assignment of support rights has been executed in favor of
19 the department;

20 [~~B-~~] (2) establish an order of support for
21 children receiving [~~aid to families with dependent children~~]
22 public assistance and, at the option of the department, for the
23 spouse or former spouse with whom such children are living, but
24 only if a support obligation has been established with respect
25 to such spouse or former spouse, for whom no order of support

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1 [presently] currently exists and seek modification, based upon
2 the noncustodial parent's ability to pay, of existing orders in
3 which the support order is inadequate to properly care for the
4 child and the spouse or former spouse with whom the child is
5 living;

6 [C-] (3) enforce as the real party in interest
7 any existing order for the support of children who are receiving
8 ~~[aid to families with dependent children or of the spouse or~~
9 ~~former spouse with whom such children are living]~~ public
10 assistance, and the first one hundred dollars (\$100) collected
11 in child support shall be given to the custodial parent with
12 whom the children are living and shall not be counted as income
13 for the purposes of determining eligibility; and

14 [D-] (4) provide services to non-aid families
15 with dependent children in the establishment and enforcement of
16 paternity and child support obligations, including locating the
17 absent parent. For these services, the department is authorized
18 to establish and collect fees, costs and charges permitted or
19 required by federal law or by regulations adopted pursuant to
20 that federal law.

21 [E-] B. In all cases handled by the department
22 pursuant to the provisions of this section, the child support
23 enforcement division of the department and any attorney employed
24 by the division represent the department in establishing,
25 modifying and enforcing support obligations. "

